

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JACQUELINE WILLIAMS,

No. C 10-04657 CRB

Plaintiff,

ORDER OF REMAND

v.

AURORA LOAN SERVICES, et al.,

Defendants.


Pro se Plaintiff Jacqueline Williams brought suit against Aurora Loan Services in the Superior Court of California, County of Alameda, in August 2010, alleging: breach of the warranty of habitability, contract; breach of the warranty of habitability, tort; negligence; breach of the covenant of quiet enjoyment; breach of the covenant of good faith and fair dealing; nuisance; violation of Civil Code § 1941.1 and 942.3; “untenantable dwelling”; retaliation under Civil Code § 1942.5; two counts of wrongful eviction- common law; intentional infliction of emotional distress; negligent infliction of emotional distress; breach of contract; and a cause of action entitled “civil rights violation,” under 42 U.S.C. § 1983. See generally Not. of Removal Ex. 1. Defendants removed the case in October 2010, based on federal question jurisdiction, “in particular the Civil Rights Act, 42 U.S.C. § 1983.” See Not. of Removal (dckt. no. 1) at 2. Defendants subsequently filed a Motion to Dismiss (dckt. no. 6) and a Motion to Strike (dckt. no. 8) in this Court, both calendared for January 7,

1 2011.

2 Plaintiff has now filed a Motion to Remand (dckt. no. 15) in which she asserts that she
3 is “dropping the Civil Rights Violation (42 USC @ [sic] 1983) and asking Judge Charles R.
4 Breyer to send plaintiff case back to Superior Court of California.” The Court construes
5 Plaintiff’s Motion as a Voluntary Dismissal with prejudice of Plaintiff’s sole federal claim,
6 under Federal Rule of Civil Procedure 41(a). In light of this Voluntary Dismissal, the Court
7 declines to exercise supplemental jurisdiction over the remaining state court claims. See
8 Acri v. Varian Assocs., Inc., 114 F.3d 999, 1001 (9th Cir. 1997) (quoting Carnegie-Mellon
9 Univ. v. Cohill, 484 U.S. 343, 350 n.7 (1988)) (“[I]n the usual case in which all federal-law
10 claims are eliminated before trial, the balance of factors . . . will point toward declining to
11 exercise jurisdiction over the remaining state law claims.”). Accordingly, the Court
12 REMANDS the case to state court; the motion hearings on January 7, 2011 are hereby
13 VACATED.

14 **IT IS SO ORDERED.**

15
16
17 Dated: December 17, 2010

18
19
20
21
22
23
24
25
26
27
28


CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE